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Dkt. 41426-A-PCT-US/JPW/CY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Appellants : Ron S. Israeli et al.

U.S. Serial No.: 08/403,803 Examiner: S. Gucker

Filed : March 17, 1995 Group Art Unit: 1647

For : PROSTATE-SPECIFIC MEMBRANE ANTIGEN

1185 Avenue of the Americas
New York, New York 10036
January 18, 2005

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Mail Stop Appeal Brief - Patents

Sir:

APPELLANTS' BRIEF ON APPEAL

This appeal was taken from the Examiner's final rejection of claims 100-105, 113-115, and 120-126 in the Final Office Action issued December 15, 2003 in connection with the above-identified subject application. Appellants' brief on appeal was originally due August 18, 2004, based on the June 18, 2004 receipt by the U.S. Patent and Trademark Office of appellant's Notice of Appeal mailed June 15, 2004. Between June 15, 2004 and today, Appellants have had numerous telephone conferences concerning this application, and the Examiner has made various suggestions for placing the application in condition for allowance, to which Appellants have responded.

On January 12, 2005, Cindy Yang, Esq. on behalf of the undersigned, spoke by telephone twice with Examiner

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Steven Gucker concerning this application. During these telephone conferences, Examiner Gucker requested that Appellants filed an Amendment which cancels all rejected claims, specifically, claims 100-105, 113-115, and 120-126, so that only allowed claims 116-119 will be pending.

In response, on January 12, 2005, Appellants filed a Second Supplemental Amendment by facsimile to place the subject application in condition for allowance by canceling all claims except previously allowed claims 116-119. Appellants further maintain that the Supplemental Amendment satisfies the provisions of 37 C.F.R. §1.116 and M.P.E.P. §714.12, and should therefore be entered. Upon entry of this Second Supplemental Amendment, only allowed claims 116-119 will be pending, and there will be no issue for appeal.

During the January 12, 2005 telephone conferences, and in a January 14, 2005 telephonic message from the Examiner left for Ms. Yang, the Examiner also stated that he expected to reopen prosecution of the subject application. The Examiner further stated that he would issue an Interview Summary, by January 18, 2005, detailing his January 12, 2005 telephone conferences with Ms. Yang and his intention to reopen prosecution.

As of today, we have not received such an Interview Summary. Accordingly, Appellants are filing this document denominated "Appellants' Brief On Appeal" to insure that this application does not go abandoned today.

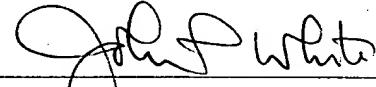
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CONCLUSION

Appellants maintain that claims 116-119, the only claims now pending, are allowed. Accordingly, Appellants maintain that the application is in condition for allowance.

If a telephone conference would be of assistance in advancing prosecution of the subject application, Appellants' undersigned attorney invites the Examiner to telephone him at the number provided below.

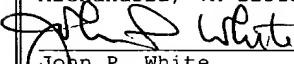
Respectfully submitted,



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I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to:

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